

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KEITH BUSH and ANTHONY BENNETT,

Plaintiffs,

v.

ORDER
03-CV-759S

D.O.C. COMMISSIONER GOORD, ET AL.,

Defendants.

1. On October 9, 2003, Plaintiffs commenced this civil rights action pursuant to 42 U.S.C. § 1983. On May 27, 2004, this Court referred this case to the Honorable Hugh B. Scott, United States Magistrate Judge, for all proceedings necessary for a determination of the factual and legal issues presented, and to prepare and submit a report and recommendation containing findings of fact, conclusions of law and a recommended disposition of the case pursuant to 28 U.S.C. § 636(b)(1)(B).

2. On March 28, 2005, pro se Plaintiffs filed a "Motion for Injunction Ruling." On August 2, 2005, Plaintiffs filed a motion seeking relief from Defendants' alleged retaliation. On November 18, 2005, Plaintiffs filed a Motion for Preliminary Injunction.

3. On February 14, 2006, Judge Scott granted Plaintiffs' Motion for Appointment of Counsel. He subsequently appointed Scott Michael Lupiani, Esq., to represent Plaintiffs. Also on February 14, 2006, Judge Scott filed a Report and Recommendation recommending that the motions referenced in the second paragraph of this Order, which were filed by Plaintiffs in their pro se capacity, be denied without prejudice in light of the appointment of counsel.

4. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 104) in its entirety.

FURTHER, that the motions referenced in the second paragraph of this Order (Docket Nos. 50, 73 and 88) are DENIED without prejudice.

FURTHER, that Plaintiffs' counsel shall be granted leave to re-file any of these motions that he deems appropriate.

SO ORDERED.

Dated: March 8, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge